

MERCHANT &amp; GOULD P.C.

## United States Patent Application

## DECLARATION

As a below named inventor, we hereby declare that: our residences, post office addresses and citizenships are as stated below next to our names; that

We verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled NON-VOLATILE WRITE CACHE, IN A DISC DRIVE, USING AN ALTERNATE POWER SOURCE, the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (described hereinbelow).

We hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a.  no such applications have been filed.
- b.  such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

We hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

For Continuation-in-Part (CIP) Applications, complete

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

We hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/227,612	August 23, 2000

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name Forehand	First Given Name Monty	Second Given Name Aaron
0	Residence & Citizenship	City Yukon	State or Foreign Country OK	Country of Citizenship USA
1	Post Office Address	Post Office Address 4821 Deer Creek	City Yukon	State & Zip Code/Country Oklahoma 73099-3151/USA
Signature of Inventor 201: <i>Monty A. Forehand</i>			Date:	6/25/01
2	Full Name Of Inventor	Family Name Fruendt	First Given Name Kevin	Second Given Name Dean
0	Residence & Citizenship	City Yukon	State or Foreign Country OK	Country of Citizenship USA
2	Post Office Address	Post Office Address 10320 Exter Avenue	City Yukon	State & Zip Code/Country Oklahoma 73099-7564/USA
Signature of Inventor 202: <i>Kim Dean Fruendt</i>			Date:	6/25/01
2	Full Name Of Inventor	Family Name Thantrakul	First Given Name Virat	Second Given Name
0	Residence & Citizenship	City Oklahoma City	State or Foreign Country Oklahoma	Country of Citizenship USA
3	Post Office Address	Post Office Address 12609 Brickstone Court	City Oklahoma City	State & Zip Code/Country Oklahoma 73142/USA
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
4	Post Office Address	Post Office Address	City	State & Zip Code/Country
Signature of Inventor 204:			Date:	

### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

2	Full Name Of Inventor	Family Name Forehand	First Given Name Monty	Second Given Name Aaron
0	Residence & Citizenship	City Yukon	State or Foreign Country OK	Country of Citizenship USA
1	Post Office Address	Post Office Address 810 Lancaster Drive	City Yukon	State & Zip Code/Country Oklahoma 73099-4932/USA
Signature of Inventor 201:				Date:
2	Full Name Of Inventor	Family Name Fruendt	First Given Name Kevin	Second Given Name Dean
0	Residence & Citizenship	City Yukon	State or Foreign Country OK	Country of Citizenship USA
2	Post Office Address	Post Office Address 10320 Exter Avenue	City Yukon	State & Zip Code/Country Oklahoma 73099-7564/USA
Signature of Inventor 202:				Date:
2	Full Name Of Inventor	Family Name Thantrakul	First Given Name Virat	Second Given Name
0	Residence & Citizenship	City Oklahoma City	State or Foreign Country Oklahoma	Country of Citizenship USA
3	Post Office Address	Post Office Address 12609 Brickstone Court	City Oklahoma City	State & Zip Code/Country Oklahoma 73142/USA
Signature of Inventor 203: <i>Virat Thantrakul</i>				Date: 6/25/2001
2	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
0	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
4	Post Office Address	Post Office Address	City	State & Zip Code/Country
Signature of Inventor 204:				Date:

#### § 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- or
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

## PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s):	Monty A. Forehand, et al.		
Serial No.:		Examiner:	
Filed:		Group Art Unit:	
Title:	NON-VOLATILE WRITE CACHE, IN A DISC DRIVE, USING AN ALTERNATIVE POWER SOURCE		
Docket:	STL9831/40046.137USU1		

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified application, all powers of attorney previously given are hereby revoked and the following practitioners/patent agents are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

Shawn B. Dempster, Registration No. 34,321	Edward P. Heller, III, Registration No. 29,075
Jonathan E. Olson, Registration No. 41,231	Raghunath S. Minisandram, Registration No. 38,683
Derek J. Berger, Registration No. 45,401	Leland D. Schultz, Registration No. 30,322
Kirk A. Cesari, Registration No. 47,479	Carol I. Bordas, Registration No. 37,284
Mitchell K. McCarthy, Registration No. 38,794	

And members of the firm of Merchant & Gould P.C.

Albrecht, John W.	Reg. No. 40,481	Harrison, Kevin C.	Reg. No. 46,759
Ali, M. Jeffer	Reg. No. 46,359	Hertzberg, Brett A.	Reg. No. 42,660
Anderson, Gregg I.	Reg. No. 28,828	Hillson, Randall A.	Reg. No. 31,838
Batzli, Brian H.	Reg. No. 32,960	Holzer, Jr., Richard J.	Reg. No. 42,668
Beard, John L.	Reg. No. 27,612	Hope, Leonard J.	Reg. No. 44,774
Berns, John M.	Reg. No. 43,496	Johnston, Scott W.	Reg. No. 39,721
Black, Bruce E.	Reg. No. 41,622	Kadievitch, Natalie D.	Reg. No. 34,196
Branch, John W.	Reg. No. 41,633	Karjeker, Shaukat	Reg. No. 34,049
Bremer, Dennis C.	Reg. No. 40,528	Kettelberger, Denise	Reg. No. 33,924
Bruess, Steven C.	Reg. No. 34,130	Keys, Jeramie J.	Reg. No. 42,724
Byrne, Linda M.	Reg. No. 32,404	Knearl, Homer L.	Reg. No. 21,197
Campbell, Keith	Reg. No. 46,597	Kowalchyk, Alan W.	Reg. No. 31,535
Carlson, Alan G.	Reg. No. 25,959	Kowalchyk, Katherine M.	Reg. No. 36,848
Caspers, Philip P.	Reg. No. 33,227	Lacy, Paul E.	Reg. No. 38,946
Clifford, John A.	Reg. No. 30,247	Larson, James A.	Reg. No. 40,443
Daignault, Ronald A.	Reg. No. 25,968	Leon, Andrew J.	Reg. No. 46,869
Daley, Dennis R.	Reg. No. 34,994	Leonard, Christopher J.	Reg. No. 41,940
Dalglish, Leslie E.	Reg. No. 40,579	Liepa, Mara E.	Reg. No. 40,066
Daulton, Julie R.	Reg. No. 36,414	Lindquist, Timothy A.	Reg. No. 40,701
DeVries Smith, Katherine M.	Reg. No. 42,157	Mayfield, Denise L.	Reg. No. 33,732
DiPietro, Mark J.	Reg. No. 28,707	McDonald, Daniel W.	Reg. No. 32,044
Doscotch, Matthew A.	Reg. No. P48,957	McIntyre, Jr., William F.	Reg. No. 44,921
Edell, Robert T.	Reg. No. 20,187	Mitchem, M. Todd	Reg. No. 40,731
Epp Ryan, Sandra	Reg. No. 39,667	Mueller, Douglas P.	Reg. No. 30,300
Glance, Robert J.	Reg. No. 40,620	Parsons, Nancy J.	Reg. No. 40,364
Goggin, Matthew J.	Reg. No. 44,125	Pauly, Daniel M.	Reg. No. 40,123
Golla, Charles E.	Reg. No. 26,896	Phillips, John B.	Reg. No. 37,206
Gorman, Alan G.	Reg. No. 38,472	Prendergast, Paul	Reg. No. 46,068
Gould, John D.	Reg. No. 18,223	Pytel, Melissa J.	Reg. No. 41,512
Gregson, Richard	Reg. No. 41,804	Qualey, Terry	Reg. No. 25,148
Gresens, John J.	Reg. No. 33,112	Reich, John C.	Reg. No. 37,703
Hamer, Samuel A.	Reg. No. 46,754	Reiland, Earl D.	Reg. No. 25,767
Hamre, Curtis B.	Reg. No. 29,165	Roberts, Fred	Reg. No. 34,707

Samuels, Lisa A.	Reg. No. 43,080	Vandenburgh, J. Derek	Reg. No. 32,179
Schmaltz, David G.	Reg. No. 39,828	Wahl, John R.	Reg. No. 33,044
Schuman, Mark D.	Reg. No. 31,197	Weaver, Karrie G.	Reg. No. 43,245
Schumann, Michael D.	Reg. No. 30,422	Welter, Paul A.	Reg. No. 20,890
Scull, Timothy B.	Reg. No. 42,137	Whipps, Brian	Reg. No. 43,261
Sebald, Gregory A.	Reg. No. 33,280	Whitaker, John E.	Reg. No. 42,222
Skoog, Mark T.	Reg. No. 40,178	Williams, Douglas J.	Reg. No. 27,054
Spellman, Steven J.	Reg. No. 45,124	Withers, James D.	Reg. No. 40,376
Stoll-DeBell, Kirstin L.	Reg. No. 43,164	Witt, Jonelle	Reg. No. 41,980
Sullivan, Timothy	Reg. No. 47,981	Wu, Tong	Reg. No. 43,361
Sumner, John P.	Reg. No. 29,114	Xu, Min S.	Reg. No. 39,536
Swenson, Erik G.	Reg. No. 45,147	Young, Thomas	Reg. No. 25,796
Tellekson, David K.	Reg. No. 32,314	Zeuli, Anthony R.	Reg. No. 45,255
Trembath, Jon R.	Reg. No. 38,344		
Tunheim, Marcia A	Reg. No. 42,189		
Underhill, Albert L.	Reg. No. 27,403		

#### CHANGE OF ATTORNEY'S/AGENT'S ADDRESS IN APPLICATION

Merchant & Gould P.C.  
 P.O. Box 2903  
 Minneapolis, MN 55402-0903

#### STATEMENT UNDER 37 CFR 3.73(b)

Seagate Technology LLC states that it is the Assignee of Entire Interest in the patent application/patent identified above by virtue of an Assignment from the inventor(s) of the patent application/patent identified above. A copy of the Assignment is attached and/or was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_. The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Respectfully submitted,

SEAGATE TECHNOLOGY LLC  
 (Assignee of Entire Interest)



Kirk A. Cesari, #47,479  
 SEAGATE TECHNOLOGY LLC  
 Intellectual Property Dept. - SHK2LG  
 1280 Disc Drive  
 Shakopee, MN 55379-1863  
 (952) 402-3534 (telephone)  
 (952) 402-2657 (facsimile)

